

IN THE INTERMEDIATE COURT OF MAURITIUS
(FINANCIAL CRIMES DIVISION)

In the matter of:

THE FINANCIAL CRIMES COMMISSION

v/s

- 1. Omduthsing SOOKAYE**
- 2. Pritum Chandra Kumar RAWOO**
- 3. Deepak SEWOCK**
- 4. Krishna APPAYA**

SENTENCE

1. All 4 accused were being prosecuted for the offence of Money Laundering in breach of sections 3, 6 and 8 of the Financial Intelligence and Anti-Money Laundering Act (the 'FIAMLA'). Accused no.1, 2 and 3 pleaded not guilty whilst accused no.4 pleaded guilty to count 62 and moved for a separate trial. The motion for separate trial was acceded to and a Discontinuance of Proceedings was filed for accused no.1, 2 and 3 on the 09th January 2025 and lodged anew on a different Information. Accused no.4 was represented by Counsel, Mr. N. Pillay.
2. Mr. H. Ponnen conducted the case for the prosecution.
3. For the purposes of the hearing, Investigator Dowlut (witness no.1) produced two statements of accused no.4 dated the 04th October 2018 and 07th December 2018 respectively – **Doc A and A1 refer**. She also stated that accused no.4 cooperated with the police and did accept being in possession of the money but denied that same was from any tainted origin.
4. Accused no.4 deposed under oath. He stated that he has pleaded guilty in order to return back to Canada as soon as possible where he now resides and works. He further stated that he is the sole breadwinner of his family consisting of his wife and two children of 2 and 4 years' old respectively. He also begged for excuse and leniency from the Court.
5. In view of his unequivocal guilty plea, accused was found guilty as charged under count 62.

6. By virtue of **section 8 (1) of the FIAMLA**, the sentence applicable, as at the time of the commission of the present offence, was a fine not exceeding 2 million rupees and penal servitude for a term not exceeding 10 years.
7. In relation to the discount to be given to an accused party who pleads guilty, **section 69B of the District and Intermediate Courts (Criminal Jurisdiction) Act** provides that:

“The District and Intermediate Court may mitigate the sentence of an accused party who appears before it and makes, in the opinion of the Court, a timely plea of guilty to the offence with which he stands charged.”

8. In **The State v Mootien and Ors [2009] SCJ 28**, it was held that:

“In relation to the discount to be given to an accused party who pleads guilty, I bear in mind the SGC Revised Guideline “Reduction in Sentence for Guilty plea (July 2007) referred to in Blackstone’s Criminal Practice (2008)” at page 2070 to which I was referred by Counsel for accused No. 1. I also agree that the Criminal Division of the Supreme Court seems to have applied the recommendation contained in that guideline that one third deduction be given where the plea is indicated at the first reasonable opportunity. However, I am of the view that the actual discount to be given for a plea of guilty still remains a matter of discretion for the Court having regard to the circumstances of each particular case.” (Underlying is mine)

9. In the present case, since accused no.4 has pleaded guilty at the first reasonable opportunity, he should be given one third deduction.
10. The circumstances of the present case can be gauged from **Doc A and A1** whereby accused no.4 explained that he received the sum of Rs. 147,500/- in his bank account as reimbursement from the Sugar Investment Trust since he did not go forward to buy the plot of land for which he has already made an advance payment of Rs. 150,000/-.
11. Accused no.4 is of clean record and was not arrested in the present case.
12. The present offence is one of money laundering whereby accused no.4 was in possession of Rs. 147,500/- in his bank account and which money represented proceeds of a crime. Accused no.4 has pleaded guilty, has cooperated during the course of the enquiry, is of clean record and is the sole breadwinner of his family in Canada. He also has 2 young children under his care. He has also shown genuine remorse in Court. Taking into account all these factors into



consideration on the one side and the gravity of the offence of the other side, the Court is of the view that a custodial sentence is not warranted in the present case and that a fine will meet the ends of justice.

13. Accused no.4 is accordingly sentenced to a fine of Rs. 35,000/- under Count 62.

14. Accused no.4 is further ordered to pay Rs.500 as costs.



A.R. TAJOODEEN
Magistrate of the Intermediate Court (Financial Crimes Division)
13.01.2025